

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT LINCOLN,	:	CIVIL ACTION
Petitioner,	:	
v.	:	
	:	
JOHN A. PALAKOVICH, THE	:	
DISTRICT ATTORNEY OF THE	:	No. 07-1373
COUNTY OF PHILADELPHIA, and	:	
THE ATTORNEY GENERAL OF THE	:	
STATE OF PENNSYLVANIA,	:	
Respondents.	:	

ORDER

AND NOW, this 2nd day of April, 2014, upon consideration of the Rule 60 Motion of Petitioner Robert Lincoln for Relief from Judgment of Order (ECF No. 31), the Commonwealth's Response to Petitioner's Rule 60 Motion (ECF No. 32), and the Reply Brief in Support of Petitioner's Rule 60 Motion for Relief from Judgment or Order (ECF No. 33), it appearing that extraordinary circumstances exist so that denying petitioner's requested relief will result in extreme hardship.

It is **ORDERED** that:

1. Petitioner's Motion is **GRANTED**.
2. This court's Order dated August 24, 2011, is **VACATED**.
3. The petition for writ of *habeas corpus* is **GRANTED**.
4. Petitioner's conviction and sentence are **VACATED**, and petitioner shall be **RELEASED** from custody, **UNLESS** petitioner's rights to a direct appeal on the merits have been reinstated *nunc pro tunc* within 90 days from the date of this Order.
5. Having granted a conditional writ of *habeas corpus*, there is no need to consider a certificate of appealability for petitioner.

/s/ Norma L. Shapiro

J.